

REMARKS

Summary of the Invention

The invention features an isolated polypeptide comprising the amino acid sequence of CED-3 (SEQ ID NO.: 19).

Summary of the Office Action

Claims 6 and 69 are pending and examined in the present Office Action. Claim 69 is rejected under 35 U.S.C. 112, second paragraph, for indefiniteness. Claims 6 and 69 are rejected for obviousness-type double patenting over claim 1 of U.S. Patent No. 5,962,301. These rejections are addressed below.

Support for the Amendment

Applicants have amended claim 69 to correct a typographical error. No new matter is added by this amendment.

Rejection under 35 U.S.C. § 112, second paragraph

Claim 69 is rejected for indefiniteness for reciting “amino acid *sequences* of SEQ. ID NO.: 19.” The Examiner states that “SEQ ID NO: 19 is AN amino acid sequence. It is not clear whether the scope of this claim is limited to a polypeptide consisting of the amino acid sequence of SEQ ID NO: 19, or whether some other scope is intended” (Office Action, p. 3). Applicants have amended claim 69 to refer to *the* amino acid *sequence* of SEQ. ID NO.: 19. This rejection may now be withdrawn.

Double Patenting Rejection

Claims 6 and 69 are rejected under the judicially created doctrine of non-obviousness-type double patenting as being unpatentable over claim 1 of issued U.S. Patent No. 5,962,301. In response to this rejection, Applicants submit a Terminal Disclaimer, filed herewith. In light of the Terminal Disclaimer, Applicants respectfully request that the rejection of claims 6 and 69 be withdrawn.

CONCLUSION

Applicants submit that the claims are now in condition for allowance, and such action is respectfully requested.

Enclosed is a Petition to extend the period for replying for one month, to and including June 23, 2005, and a check in payment of the required extension fee.

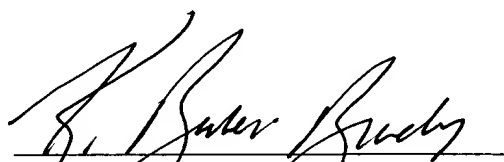
If there are any charges, or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date:

June 21, 2005

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